

EXHIBIT A

Hispanic and non-Hispanic Voter Participation in Texas

Expert Report of Bernard L. Fraga, Ph.D.

***LULAC v. Abbott*, Case No. 3:21-cv-00259-DCG-JES-JVB (W.D. Tex.)**

March 31, 2025

I. Background and Qualifications

1. My name is Bernard L. Fraga. I am the Ann and Michael Hankin Distinguished Professor in the Department of Political Science at Emory University in Atlanta, Georgia. I research and teach on topics related to American elections. I earned my Bachelor of Arts degree in Political Science and Linguistics from Stanford University in 2008. I then earned my Master of Arts degree in Political Science from Harvard University in 2011, and my Ph.D. in Government and Social Policy also from Harvard University in 2013. My undergraduate and graduate training included courses in political science, statistics, and election law.
2. My academic research focuses on American politics, specifically American elections and racial/ethnic differences in rates of political participation. My book on race and voter turnout, *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*

(Cambridge University Press, 2018), received a Best Book Award from the American Political Science Association Section on Race, Ethnicity, and Politics and received positive reviews in multiple scholarly outlets. I have also published peer-reviewed works on these topics in the *American Political Science Review*, *American Journal of Political Science*, the *Journal of Politics*, *Political Behavior*, *Political Research Quarterly*, the *Journal of Race, Ethnicity, and Politics*, the *Quarterly Journal of Political Science*, and other outlets, including articles that focus on the measurement of electoral participation by racial/ethnic groups in the United States.¹

3. I also serve as a peer reviewer for numerous academic journals and press outlets in political science, have advised multiple Ph.D. dissertations, and have been invited to give many academic lectures pertaining to my analyses of American elections. I previously served as an expert analyzing election data in *Georgia State*

¹This includes Fraga, Bernard L. (2016). “Candidates or Districts? Reevaluating the Role of Race in Voter Turnout.” *American Journal of Political Science* 60 (1): 97-122 and Fraga, Bernard L. and Merseth, Julie Lee (2016) “Examining the Causal Impact of the Voting Rights Act Language Minority Provisions.” *Journal of Race, Ethnicity, and Politics* 1(1): 31-59.

Conference of the NAACP, et al. v. Brad Raffensperger, et al. (N.D. Ga. 1:21-CV_01259, 2021-2025), where I provided deposition, and *Richard Rose, et al. v. Brad Raffensperger, et al.* (N.D. Ga. 1:20-cv-02921, 2020-2022) where I provided deposition and trial testimony.

4. I have attached to this declaration a true and correct copy of my *curriculum vitae*, listing my academic background and publications. I am being compensated at a rate of \$400.00 per hour. My compensation is not contingent upon my conclusions in this report.

II. Scope of Work

5. Plaintiffs LULAC, et al. retained me to analyze data related to elections in Texas. Specifically, I was asked to determine if there are differences in rates of Hispanic and non-Hispanic voter participation in Texas.² I was also asked to discuss previous scientific research examining the causes of disparities in voter participation between Hispanics and non-Hispanics. This report draws on the results of the data analyses and review of the scientific

² I use “voter turnout” in the remainder of this report to refer to the participation in voting by eligible individuals, and thus the term encompasses voter registration and turnout.

literature I conducted for this report, and my existing knowledge, expertise, and experience.

III. Summary of Findings

6. At a statewide level, rates of voter turnout are lower for Hispanic Texans relative to non-Hispanic Texans in recent elections.
7. At the county level, rates of voter turnout are lower for Hispanic Texans relative to non-Hispanic Texans in nearly every county in Texas in recent elections.
8. The exclusion of Hispanics, including Hispanic Texans, from political opportunities contributes to lower rates of voter turnout relative to non-Hispanics.

IV. Rates of Voter Turnout are lower for Hispanic Texans than non-Hispanic Texans statewide

9. In this section I provide an analysis of rates of voter turnout for Hispanic Texans and non-Hispanic Texans in recent elections, examining trends in the State of Texas as a whole.
10. To conduct this analysis, I relied on data provided by counsel. The data I was provided with has two components.
 - a. The count of the number of voters overall, the number of voters with a Spanish surname, and the number of voters without a

Spanish surname in the November 2022 and November 2024 General Elections. This data was provided to me by counsel and sourced from the Texas Legislative Council.

- b. The citizen voting-age population overall, the citizen voting-age population that is Hispanic, and the citizen voting-age population that is not Hispanic according to the 2019-2023 American Community Survey 5-Year Estimates, Table B05003. I refer to this information as the “CVAP” in the remainder of the document.

11. To calculate the rate of voter turnout for Hispanic Texans I divide the number of voters who cast ballots and who have a Spanish surname statewide by the Hispanic CVAP statewide. I use the number of Spanish surname voters in 2022 as the numerator in my calculation of voter turnout rates for 2022, and the number of Spanish surname voters in 2024 as the numerator in my calculation of voter turnout rates for 2024.

12. To calculate the rate of voter turnout for non-Hispanic Texans I divide the number of voters who cast ballots and who do not have a Spanish surname statewide by the non-Hispanic CVAP statewide.

I use the number of non-Spanish surname voters in 2022 as the numerator in my calculation of voter turnout rates for 2022, and the number of non-Spanish surname voters in 2024 as the numerator in my calculation of voter turnout rates for 2024.

13. **Table 1** provides rates of voter turnout for all Texans, Hispanic Texans, and non-Hispanic Texans in the November 2022 General Election and the November 2024 General Election, using the methodology outlined above.

	<i>Voter Turnout</i>	
	November 2022	November 2024
Total	41.8%	58.9%
Non-Hispanic	50.0%	68.2%
Hispanic	23.8%	38.3%
Turnout Gap	-26.3	-29.9

Table 1: Voter Turnout Rates in November 2022 and November 2024 General Elections in Texas. Turnout is calculated as a percent of the citizen voting-age population in Texas for the total population, Hispanic Texans, and non-Hispanic Texans.

14. In the November 2022 General Election, the statewide total voter turnout rate was 41.8%. The Hispanic voter turnout rate was substantially lower, at 23.8%. Correspondingly, the non-Hispanic voter turnout rate was 50.0%. Subtracting the unrounded non-Hispanic turnout rate from the unrounded Hispanic turnout rate yields a “Turnout Gap” or disparity in the rate of voter turnout between the groups of -26.3 percentage points.

15. In the November 2024 General Election, the statewide total voter turnout rate was 58.9%. The Hispanic voter turnout rate was substantially lower, at 38.3%. The non-Hispanic voter turnout rate was 68.2%. Subtracting the unrounded non-Hispanic turnout rate from the unrounded Hispanic turnout rate yields a “Turnout Gap” or disparity in the rate of voter turnout between the groups of -29.9 percentage points.

IV. Rates of Voter Turnout are lower for Hispanic Texans than non-Hispanic Texans in nearly every county in Texas

16. The same pattern of significantly lower rates of voter turnout for Hispanic Texans relative to non-Hispanic Texans holds in nearly every county across the 2022 and 2024 general elections.

17. **Table 2** provides rates of voter turnout for Hispanic Texans

and non-Hispanic Texans in the November 2022 General Election at the county level, using the data and methodology discussed in Section III, but applied to the county level. Table 2 shows estimates for the 10 most populous counties in Texas. Appendix Table A1 provides estimates for all counties in Texas with at least 1,000 Hispanic voting-age citizens.³

		<i>November 2022 Voter Turnout</i>		
County	Total CVAP	Non-Hispanic	Hispanic	Turnout Gap
Harris	2,845,384	46.8%	22.0%	-24.8
Dallas	1,558,943	47.1%	22.0%	-25.2
Tarrant	1,401,301	47.9%	22.2%	-25.7
Bexar	1,392,898	52.3%	28.1%	-24.3
Travis	921,600	58.8%	26.1%	-32.6
Collin	726,233	53.9%	25.8%	-28.2
Denton	648,861	53.7%	24.3%	-29.4
El Paso	548,941	52.7%	24.7%	-28.0
Fort Bend	538,144	52.6%	24.8%	-27.8
Hidalgo	456,189	61.2%	27.4%	-33.8

³ The exclusion of counties with smaller Hispanic populations is due to uncertainty in ACS estimates of the voting-age citizen population for smaller racial/ethnic groups. This aligns with the approach taken by Fraga in *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. 2018. New York: Cambridge University Press. 117.

Table 2: Voter Turnout Rates in November 2022 General Election for 10 Most Populous Counties in Texas. Turnout is calculated as a percent of the citizen voting-age population in the county for Hispanic Texans and non-Hispanic Texans.

18. **Table 3** provides rates of voter turnout for Hispanic Texans and non-Hispanic Texans in the November 2024 General Election at the county level, using the data and methodology discussed in Section III, but applied to the county level. Table 3 shows estimates for the 10 most populous counties in Texas. Appendix Table A2 provides estimates for all counties in Texas with at least 1,000 Hispanic voting-age citizens.

		<i>November 2024 Voter Turnout</i>		
County	Total CVAP	Non-Hispanic	Hispanic	Turnout Gap
Harris	2,845,384	63.5%	36.9%	-26.6
Dallas	1,558,943	62.3%	35.5%	-26.8
Tarrant	1,401,301	65.2%	37.1%	-28.1
Bexar	1,392,898	70.9%	41.6%	-29.3
Travis	921,600	73.3%	36.0%	-37.3
Collin	726,233	75.7%	42.7%	-33.0
Denton	648,861	74.6%	40.6%	-34.0

		<i>November 2024 Voter Turnout</i>		
County	Total CVAP	Non-Hispanic	Hispanic	Turnout Gap
El Paso	548,941	77.3%	38.5%	-38.8
Fort Bend	538,144	74.8%	41.9%	-32.9
Hidalgo	456,189	88.6%	42.3%	-46.4

Table 3: Voter Turnout Rates in November 2024 General Election for 10 Most Populous Counties in Texas. Turnout is calculated as a percent of the citizen voting-age population in the county for Hispanic Texans and non-Hispanic Texans.

19. In the November 2024 General Election, the Hispanic voter turnout rate was also substantially lower than the non-Hispanic voter turnout rate in each of the 10 most populous counties in Texas. Subtracting the unrounded non-Hispanic turnout rate from the unrounded Hispanic turnout rate yields a “Turnout Gap” or disparity in the rate of voter turnout that ranges from -26.6 percentage points (Harris County) to -46.4 percentage points (Hidalgo County).

V. Research on explanations for disparities in Hispanic and non-Hispanic voter turnout shows exclusion from political opportunities contributes to relatively low Hispanic voter turnout.

20. In this section, I briefly discuss evidence-based explanations for lower levels of Hispanic voter participation.

21. For most of the post-independence history of Texas, Hispanic Texans have had tenuous *de facto* voting rights. Characterized by David Montejano as a “fragile franchise” or “controlled franchise,” from statehood to the late 1800s the predominantly Texas Mexican Hispanic population was generally not granted an independent political voice by the non-Hispanic Anglo population.⁴ A similar pattern prevailed in the first half of the 1900s. In 1911, Hispanic Texans were characterized in one Dimmitt County newspaper editorial as a “political menace” that was “unfit to have the vote” and comprised of “foreigners who claim American citizenship but who are as ignorant of things American as the mule.”⁵ By the 1940s there were almost no Hispanic Texan elected officials at the state

⁴ Montejano, David. 1987. *Anglos and Mexicans in the Making of Texas: 1836–1986*. Austin, TX: University of Texas Press. 39.

⁵ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 29, referencing Montejano, David. 1987. *Anglos and Mexicans in the Making of Texas: 1836–1986*. Austin, TX: University of Texas Press. 130-131.

or local level,⁶ and through the 1960s the restriction of the voting rights of Hispanic Texans was “strikingly reminiscent” of restrictions on Black voting in the Deep South before the Voting Rights Act of 1965.⁷

22. After the Voting Rights Act of 1965, the lagging political participation of virtually any group of people is commonly written off as the result of intrinsic group factors that depress political interest and therefore participation. In the case of Hispanics, a lack of interest in politics and “cultural differences” used to be cited as factors contributing to low Hispanic voter turnout.⁸ This is an

⁶ Marquez, Benjamin. *Democratizing Texas Politics: Race, Identity, and Mexican American Empowerment, 1945-2002*. Austin, TX: University of Texas Press. 1.

⁷ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 33, referencing de la Garza, Rodolfo and de Sipio, Louis. 1993. “Save the Baby, Change the Bathwater, and Scrub the Tub: Latino Electoral Participation After Seventeen Years of Voting Rights Act Coverage.” *Texas Law Review* 71(7): 1482.

⁸ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 74, referencing Wolfinger, Raymond E., and Steven J. Rosenstone. (1980) *Who votes?* New York: Yale University Press; Verba, Sidney, Kay L. Schlozman, and Henry E. Brady. 1995. *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge, MA: Harvard University Press.

ahistorical and tautological explanation for group-level participation that lacks consideration for well-documented and systematic factors that influence interest and participation simultaneously. Social scientists structure these factors into three broad categories that often interact and reinforce one another in ways that decrease participation.

23. The first factor is socio-economic status which has a long-established positive association with political participation in democracies where voting is not compulsory, such as the United States.⁹ Research shows that these associations are primarily

⁹ Wolfinger, Raymond E., and Steven J. Rosenstone. *Who votes?*. Yale University Press, 1980; Leighley, Jan E., and Jonathan Nagler. *Who votes now?: Demographics, issues, inequality, and turnout in the United States*. Princeton University Press, 2013; Downs, Anthony. *An Economic Theory of Democracy*. Harper, 1957.; Campbell, Angus, Philip E. Converse, Warren E. Miller, and Donald E. Stokes. *The American Voter*. Wiley, 1960. 573 pp. Powell Jr, G.B., 1986. "American voter turnout in comparative perspective." *American political science review*, 80(1), pp.17-43; Browning, Rufus P., Dale Rogers Marshall, and David H. Tabb. *Protest is Not Enough*. University of California Press, 1984; Franklin, Mark N. *Voter Turnout and the Dynamics of electoral competition in established democracies since 1945*. Cambridge University Press, 2004; Lijphart, Arend. "Unequal participation: Democracy's unresolved dilemma presidential address, American Political Science Association, 1996." *American political science review* 91, no. 1 (1997): 1-14.

driven by a combination of resources, interest, and mobilization that reduce participation among some populations more than others.¹⁰ Because Hispanic voters are younger, have less educational attainment, and lower income than the overall population or the non-Hispanic White population, socioeconomic factors remain a persistent explanation for this group's lower levels of electoral participation.¹¹ However, in isolation these sociodemographic factors are not enough to explain the entirety of the gap between Hispanic turnout rates and the voter turnout rates of non-Hispanic whites.¹²

24. The second factor is related to political opportunities induced by political campaigns. Today, political campaigns are highly professionalized and data-driven, using information like voter race/ethnicity and records of previous voter turnout to shape who

¹⁰ Brady, Henry E., Sidney Verba, and Kay Lehman Schlozman. "Beyond SES: A resource model of political participation." *American political science review* 89, no. 2 (1995): 271-294.

¹¹ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 68.

¹² Ibid.

they contact and encourage to vote.¹³ Given the risks of accidentally mobilizing their opposition's supporters, termed "mistargeting,"¹⁴ campaigns focus their mobilization efforts on potential voters they know a great deal about; voters who have voted frequently in the past and subsequently can give a more stable signal that they will support the candidate.¹⁵ Risk-averse campaign strategies therefore neglect voters who do not vote frequently, perpetuating their nonparticipation; as Hispanics have lower rates of turnout historically, they are less likely to be mobilized for future participation going forward. Notably, research indicates that lower levels of campaign mobilization targeted at Hispanics is not due to a lack of knowledge regarding mobilization tactics that *could* mobilize Hispanics, but instead is a story about a lack of effort to mobilize Hispanics.¹⁶

¹³ Hersh, Eitan D. *Hacking the electorate: How campaigns perceive voters*. Cambridge University Press, 2015.

¹⁴ ; Hersh, Eitan D., and Brian F. Schaffner. "Targeted campaign appeals and the value of ambiguity." *The Journal of Politics* 75, no. 2 (2013): 532.

¹⁵ Hersh, Eitan D. *Hacking the electorate: How campaigns perceive voters*. Cambridge University Press, 2015.

¹⁶ Ricardo Ramírez and Juan Angel Valdez, "Mobilizing the Latino Vote? Partisan and Nonpartisan Selective

25. A third factor has to do with the political power or “electoral influence” the community holds. As described in Fraga (2018)¹⁷, electoral influence “is indicated by the relative size of ethnic groups within a jurisdiction, and predicts racial/ethnic disparities in voter turnout as groups perceived to have lower levels of electoral influence are less likely to vote than groups with higher levels of electoral influence.” Continuing, Fraga (2018) notes that reinforcing mechanisms serve to boost voter participation for groups that are a large share of the potential voting population in a particular electoral jurisdiction: “In jurisdictions where a racial/ethnic group composes a larger share of the population, incentives for elites to mobilize the racial/ethnic group should increase, group members should feel more empowered, and the group should be perceived as more relevant for political

Outreach of Latino Votes in the 2016 Election,” in Sanchez, G.R., Fraga, L.R. and Ramírez, R. eds., 2020. *Latinos and the 2016 election: Latino resistance and the election of Donald Trump*. MSU Press.

¹⁷ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 73.

outcomes.”¹⁸

26. Based on data from previous elections, the level of electoral influence Hispanics hold at the congressional district and county level in states nationwide predicts both higher Hispanic voter turnout and a reduction in the gap between Hispanic and non-Hispanic (or non-Hispanic White) voter turnout.¹⁹ These conclusions are based on data including counties and districts in Texas.

27. Upon examination of the data in Section IV of this report, we see two counties in 2022 and three counties in 2024 where the rate of turnout for Hispanic Texans could be reliably estimated to be higher than that of non-Hispanic Texans: Jim Hogg (82% Hispanic CVAP, 2022 and 2024), Duval (80% Hispanic CVAP, 2022 and 2024), La Salle (74% Hispanic CVAP, 2024 only), and Brooks (88% Hispanic CVAP, 2024 only). The CVAP in these counties comprises

¹⁸ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 82.

¹⁹ Fraga, Bernard L. (2018) *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press. 119, 133, 138.

a very small proportion (0.1%) of the CVAP statewide.

VI. Conclusion

28. I conclude that there are large differences in rates of Hispanic and non-Hispanic voter turnout in Texas, differences that manifest at both the statewide and, with few exceptions, the county level. In the last two federal elections, Hispanic turnout was 26 (2022) and 30 (2024) percentage points lower than non-Hispanic turnout in Texas. My review of the literature indicates that lower rates of Hispanic voter turnout in Texas, relative to non-Hispanic Texans, is in part a product of the historical and contemporary exclusion of Hispanics from political opportunities in Texas. The few counties that saw reliably higher Hispanic Texan turnout than non-Hispanic Texan turnout in 2022 and 2024 comprise a small percentage of the population of eligible voters statewide.

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I state under penalty of perjury that the foregoing is true and correct.

Executed on: March 31, 2025

A handwritten signature in black ink, appearing to read 'BF', with a horizontal line extending from the end of the signature.

Bernard L. Fraga, Ph.D.